

**REMARKS**

Claims 1-6 and 8-20 are all the claims presently pending in the application. Claims 1-2, 4, 6, 12-15, 17 and 19 have been amended to more clearly define the invention and claim 7 has been canceled. Claims 1 and 12 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kato (Japanese Patent Document No. 9-254821).

This rejection is respectfully traversed in the following discussion

**I. THE CLAIMED INVENTION**

The claimed invention is directed to a pedal bracket structure including a pedal bracket and a pedal lever. The pedal bracket is attached at a front end portion to a toe board. The pedal bracket rotatably supports a pedal lever. The pedal bracket includes an outwardly swollen rigidity supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion.

As explained by the present specification, a first conventional pedal support structure includes a back plate 140 (e.g., see Figure 6 of the present application) just above a hole in a

pedal bracket 110 which improves longitudinal rigidity of the pedal bracket. The hole is provided to allow the bracket to crush easily in the event of a front end collision. However, there is a risk that the back plate 140 will deteriorate the deforming promoting function of the hole in the pedal bracket.

As shown in Fig. 7 (which corresponds to JPA 9-25821 to Kato, cited by the Examiner and discussed below), a second conventional pedal support structure includes pedal bracket 222 which includes an opening which deforms and is rigidly supported at a bracket side sliding portion 238 which must be attached to a vehicle side sliding member 241 at an inclination angle  $\theta$ . However, the second conventional pedal support structure requires a number of components and further requires extensive modifications to the vehicle side to include a vehicle side sliding member at the inclination angle.

By contrast, the present invention solves the problems of the conventional structures by providing a pedal bracket which includes an outwardly swollen rigidity supplementing portion toward the front end portion of the pedal bracket, and a brittle portion at a rear side of the rigidity supplementing portion. In this manner, with only a simple modification, the rigidity of the pedal bracket during operation is assured while deformation at the brittle portion is achieved during impact absorption.

## II. THE PRIOR ART REJECTION

The Examiner alleges that the Kato reference (which corresponds to the structure shown in Fig. 7 and described as the “second conventional” example on pages 2-3 and 4 of the present application) teaches the claimed invention. Applicants submit, however, that there are elements of the claimed invention which are neither taught nor suggested by the Kato reference.

The Kato reference does not teach or suggest a pedal bracket which includes an outwardly swollen rigidity supplementing portion toward the front end portion of the pedal

bracket. As noted above, conventional pedal structures have potentially reduced the ability of the pedal bracket to deform under impact by providing a back plate or have required substantial modification of the vehicle side mount to provide adequate pedal operating rigidity.

By contrast, the present invention solves the problems of the conventional structures by providing a pedal bracket which includes an outwardly swollen rigidity supplementing portion toward the front end portion of the pedal bracket. In this manner, with only a simple modification, the rigidity of the pedal bracket during operation is assured while deformation at the brittle portion is achieved during impact absorption.

As mentioned above, the Kato reference is the same pedal support bracket shown in Fig. 7 and described in detail by the present application. Even if the Examiner attempts to equate hole 26-2a in a pedal bracket 22 with the brittle portion of the claimed invention, contrary to the Examiner's allegations, the Kato reference does not show an outwardly swollen rigidity supplementing portion which is formed in the front end portion of the bracket. Such a feature in the claimed invention is important for a simple modification which assures the rigidity of the pedal bracket during operation while deformation at the brittle portion is achieved during impact absorption.

The Examiner alleges that the "beam of material that constitutes the vertical leg of the triangle in Figure 11 is a rigidity supplementing portion." However, as explained in the present application, that "beam of material" does not rigidly support the pedal enough to avoid the lack of a rigid feeling during the normal pedal operation and there is a risk that the operability of the pedal is deteriorated.

Indeed, as explained in the present specification, the pedal bracket disclosed by the Kato reference provides a bracket side sliding portion 238 at an upper end of the pedal bracket 222 to provide sufficient rigidity. This bracket side sliding portion 238 detachably attaches to a vehicle side sliding portion 241. The connection between the bracket side

sliding portion 238 and the vehicle side sliding portion 241 provides the rigidity to the pedal bracket which is not provided by the “beam of material” referred to by the Examiner.

In other words, the designers of the pedal bracket disclosed by the Kato reference realized that the “beam of material” referred to by the Examiner was not sufficient to rigidly support the pedal enough to avoid the lack of a rigid feeling during the normal pedal operation and there is a risk that the operability of the pedal is deteriorated. Therefore, the designers supplemented the rigidity of the pedal bracket by providing a bracket side sliding portion 238 to the pedal bracket and detachably attaching the bracket side sliding portion 238 to a vehicle side sliding portion 241.

However, as explained in the present application, the addition of the bracket side sliding portion 238 and a vehicle side sliding portion 241 increases the number of components for the pedal bracket, requires a large modification to the mounting portion of the vehicle body to accept the vehicle side sliding portion 241 and, as a result, significantly increases the cost of production.

In stark contrast, the present invention provides a pedal bracket with sufficient rigidity during pedal operation without increasing the number of components, requiring extensive modification to the vehicle body and without increasing the cost of production. The present invention provides these benefits which the pedal bracket disclosed by the Kato reference is incapable of providing.

The Kato reference does not teach or suggest an outwardly swollen rigidity supplementing portion. Such a feature in the claimed invention is important for a simple modification which assures the rigidity of the pedal bracket during operation while deformation at the brittle portion is achieved during impact absorption.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claims 1-6 and 8-20.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-6 and 8-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

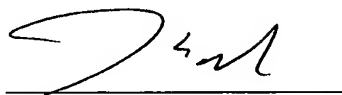
Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: \_\_\_\_\_

10/14/03



James E. Howard  
Registration No. 39,715

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
**Customer No. 21254**